

REMARKS

The Office Action dated February 24, 2004 required restriction of the claims into two claim Groups. In response, Applicant elects Group II, namely claims 5-34.

However, Applicant does so with traverse. Applicant disputes the assertion by the Office that the two claim Groups involve separate and distinct inventions.

The Examiner does not assert that the inventions of the two claim Groups are independent. Rather, the Examiner alleges that the inventions of the two claim Groups are distinct because they are related as combination and subcombination. Specifically, the Restriction Requirement submits that Invention I is directed to associating multiple output devices with drawings in a graphics program, and Invention II is directed to configuring an output device.

However, Applicants note that claim 1 specifically identifies output device configurations. Further, claim 1 provides for associating a layout with an output device and an output device configuration. Accordingly, claim 1 is directed towards associating multiple output device configurations. Additionally, claim 5 is directed towards output device configurations. It may be understood that multiple output device configurations can be for multiple output devices. For example, claim 12 states that one of the output device configurations is for a printer – a particular type of output device. In this regard, other output device configurations may be directed towards other output devices. Accordingly, both Inventions identified in the restriction requirement are directed to common subject matter.

Applicant further urges the Examiner take into consideration that the subject matter of each of the claim Groups is linked by a common inventive concept. According to M.P.E.P. §803, there are two criteria for a proper restriction requirement. First, the two inventions must be independent and distinct. In addition, there must be a serious burden on the Examiner if restriction is not required. Even if the first criterion has been met in the present case, which it has not, the second criterion has not been met. The common elements of output device configurations and the output devices indicate a common inventive concept such that there would not be a serious burden on the Examiner. Applicant asserts that a search into prior art with regard to the invention of the different Groups is so related that separate significant search efforts should not be necessary. Accordingly, there is no serious burden on the Examiner to collectively examine the different claim Groups of the subject application. Therefore, restriction is not proper under M.P.E.P. §803.

Consequently, Applicant respectfully requests the Examiner reconsider and withdraw the restriction requirement.

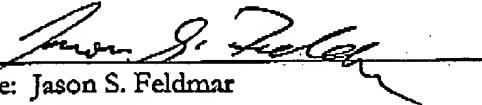
It is also submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

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